

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 4:18-CV-128-BO

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ELISHA DAWN RIGGS, JOSEPH A. )  
RIGGS, and RONALD RIGGS, )  
 )  
Defendants. )

ORDER

This cause comes before the Court on plaintiff's motion for entry of default judgment against defendant Ronald Riggs. [DE 9]. The matter is ripe for disposition. For the reasons that follow, plaintiff's motion [DE 9] is DENIED.

DISCUSSION

Plaintiff argues that default judgment is appropriate because Ronald Riggs has failed to appear or respond to the allegations in the complaint filed on August 2, 2018. On October 18, Ronald Riggs submitted a letter denying the allegations against him. [DE 11]. The Clerk of Court concluded that the letter was a response within the twenty-one days provided by Local Civil Rule 7.1(f)(1) and, under Local Civil Rule 55.1, referred the motion to the Court.

Rule 55(a) of the Federal Rules of Civil Procedure states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Further, Rule 55(b) "authorizes the entry of a default judgment when a defendant fails 'to plead or otherwise defend' in accordance with the Rules." *United States v. Moradi*, 673 F.2d 725, 727 (4th


Cir. 1982); *see also* Fed. R. Civ. P. 55(b). The Fourth Circuit has “expressed a strong preference that, as a general matter, defaults be avoided and that claims and defenses be disposed of on their merits.” *Colleton Preparatory Academy, Inc. v. Hoover Universal, Inc.*, 616 F.3d 413, 417 (4th Cir. 2010) (citations omitted).

The Court is satisfied that Ronald Riggs has submitted a letter response denying the allegations against him. Default judgment is, therefore, inappropriate. Plaintiff’s motion is denied.

CONCLUSION

For the above reasons, plaintiff’s motion for entry of default [DE 9] is DENIED.

SO ORDERED, this 8 day of November, 2018.

  
TERRENCE W. BOYLE  
CHIEF UNITED STATES DISTRICT JUDGE